

D. Thompson



AMERICAN MINING CONGRESS — NMA

DRAFT

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Office of Toxic Substances
Environmental Protection Agency
Room E-209
401 M Street, S.W.
Washington, D.C. 20460

Dear Sir or Madam:

Re: Proposed Rule 40 CFR Part 763

The American Mining Congress is pleased to comment on the above-named proposal to restrict the mining, importing, and manufacturing of asbestos and asbestos products.

The American Mining Congress (AMC) is an industry association representing the producers of most of the nation's coal, metals and agricultural and industrial minerals; the manufacturers of mining and mineral processing equipment, machinery and supplies; and engineering, consulting and financial institutions that serve the mining industry.

AMC's comments address the following areas: (1) the definitions of "asbestos" and "mine"; (2) analysis techniques; and (3) asbestos substitutes.

(1) Definitions

AMC endorses EPA's proposed definition of asbestos, i.e. "the asbestiform varieties of: chrysotile (serpentine); crocidolite (riebeckite); amosite (cummingtonite-grunerite); tremolite; anthophyllite, and actinolite that are mined or milled."

This definition is mineralogically correct. It appropriately excludes nonasbestiform varieties of minerals widely dispersed throughout the environment that do not pose adverse health effects.

AMC does, however, suggest that EPA clarify the term "asbestiform" to mean, "a special type of fibrous growth of minerals that have crystallized into long, strong flexible fibers that can be easily separated into thinner fibrils each of which is a single crystal."

AMC also endorses EPA's definition of "mine, i.e. "to produce asbestos other than as an unintended contaminant or impurity by extracting asbestos-containing ore so that the ore may be (1) distributed in commerce or (2) milled for distribution in commerce." Limiting the proposed standard to the mining of commercial asbestos is both practical and appropriate.

(2) Analysis Techniques

In its preamble to the proposed rule, EPA states that fiber morphology (eg. fiber length) has not been taken into consideration in assessing the potential risk of asbestos (51 F.R. 3742). AMC wishes to state for the record, however, that only fibers of 5 micrometers or longer should be regulated.

The preamble says that while shorter fibers have been proven to be less carcinogenic than longer fibers, by injection and implantation studies, this has not been confirmed by inhalation studies. First, inhalation studies have never proven the inverse, that is that short fibers are carcinogenic. Secondly, during OSHA's hearings on asbestos, Dr. John Davis of the Institute for Occupational Medicine in Edinburgh, Scotland, testified that inhalation studies have indeed shown short fibers to be safe. Citing an inhalation experiment involving long and short amosite, Dr. Davis concludes "the real message is that it does appear, as has been suggested for a long time, that really short fibers are safe. They are unable to damage tissue."

Furthermore, AMC strongly urges EPA to specify that initial screening for suspected asbestos be conducted by polarized light microscopy. Polarized light microscopy is to be preferred over the phase-contrast method of asbestos analysis where mineral dusts of unknown composition exist or where the asbestos content is only suspect in trace quantities. (See American Society for Testing and Materials Standard D-4240.)

(3) Asbestos Substitutes

AMC commends EPA for its preamble discussion of asbestos substitutes (51 F.R. 3744-47). The discussion is helpful to potential consumers of these products. Needless to say, many AMC member companies, as producers and users of many asbestos substitutes, are committed to research and development activities in this area. We will continue to work with appropriate federal agencies such as EPA and the Mine Safety and Health Administration in addressing this matter.

AMC appreciates the opportunity to comment on the proposed rule. We stand ready to participate further in the development of an effective and workable standard.

Sincerely,

Michael F. Duffy
Senior Counsel